

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KATHRYN KNOWLTON, et al,

Plaintiffs,

v.

Case No. 20-CV-01660

CITY OF WAUWATOSA, et al,

Defendants.

**PLAINTIFFS' MOTION FOR SANCTIONS
PURSUANT TO FRCP 37(e)**

Plaintiffs, by and through their undersigned Counsel, move this Honorable Court for discovery sanctions and remedial relief available pursuant to Federal Rule of Civil Procedure 37(e) against Defendants and Defendants' Counsel. The grounds for this Motion are more fully set forth in the accompanying Memorandum of Facts and Law, which is incorporated by reference as if fully set forth herein. Plaintiffs seek sanctions and costs associated thereto, including those associated with this motion.

RULE 37(a) CERTIFICATION

Since the filing of Plaintiffs' initial request for production of documents on January 6, 2021, almost two years ago, Counsel for Plaintiffs certify that they have made multiple good faith efforts to obtain properly propounded discovery before and without court intervention. These

efforts include at least eight meet and confer attempts¹, and innumerable correspondence. Despite Plaintiffs' best efforts and good faith, progress has been limited, as well as directly obstructed by Defendants. Defendants actions, including knowing and deliberate spoliation and defiance of multiple court orders, demonstrates a pattern and practice of obstruction in an obvious attempt to frustrate the process, continue delay, and directly result in substantial prejudice, and significant hardship of costs and expense to the Plaintiffs. Despite informal and procedurally required good faith attempts, Plaintiffs are forced to now seek this Court's intervention in the form of sanctions. Defendants continue to take for granted that the Court will simply give them more time and more chances. Now upon the close of discovery, it is necessary in the interest of justice and the course of this case, to abide by the rule of law, follow the proscribed procedures and move this case to appropriate trial and disposition.

Respectfully submitted this 30th day of November, 2022.

COUNSEL FOR PLAINTIFFS

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¹ In 2021: February 18, 2021; April 30, 2021; June 23, 2021; July 22, 2021; September 16, 2021; November 11, 2021; and November 17, 2021; in 2022: September 12, 2022

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